

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL CASE NO. 3:00cr42**

**UNITED STATES OF AMERICA, )**

**)**

**)**

**vs. )**

**)**

**)**

**DESMOND SENTELL DAILEY. )**

**)**

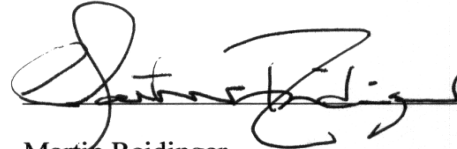
**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

On April 29, 2008, counsel was appointed to investigate whether the Defendant was entitled to any relief pursuant to the Crack Cocaine Guideline Amendment (Amendment 706). [Doc. 117]. Although counsel submitted a voucher and was paid, he did not file anything in the record to advise whether the Defendant is eligible for such relief. [Doc. 132, filed July 29, 2008]. As a result, the Court will require counsel to so advise.

**IT IS, THEREFORE, ORDERED** that on or before fifteen days from entry of this Order, counsel shall file either a motion for reduction of sentence or a notice of ineligibility, whichever is applicable to this Defendant.

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge



Signed: February 6, 2009